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**Subject:** Tony Evers could shift direction of Wisconsin DNR, but will face resistance from GOP lawmakers

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## **Tony Evers could shift direction of Wisconsin DNR, but will face resistance from GOP lawmakers**

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Tony Evers' victory will move Wisconsin's natural resources policy in a new direction after eight years of pro-business actions and a lighter regulatory hand under Republican Gov. Scott Walker.

Evers says he will give greater voice to a diminished Department of Natural Resources and priority to looming issues like water pollution and climate change.

The incoming Democrat is also likely to find an ally in Josh Kaul, who defeated Brad Schimel, a Republican one-term attorney general who oversaw a sharp drop in financial penalties on polluters and who sided with businesses interests in legal challenges brought by environmental groups.

Schimel also joined other Republican attorneys general in fighting Obama-era actions, including limits on carbon emissions at coal-fired power plants and regulatory requirements on farmers and developers to protect waters that flow to larger water bodies.

But Evers must contend with the cold reality that he has to share power with a Legislature that, with Walker, produced the biggest shift in environmental regulation since the 1970s.

And even before taking office, he faces the added uncertainty of whether the GOP will try to wrest away power from him in a final legislative push before inauguration day on Jan. 7.

Senate Majority Leader Scott Fitzgerald (R-Juneau) and Assembly Speaker Robin Vos (R-Rochester) have both raised that possibility as they consider a lame-duck session that could also include an incentive package in the coming weeks for Kimberly-Clark Corp. to keep a plant in operation in the Fox Valley.

In recent days, they said they might try modifying laws affecting governor-appointed boards and stripping away authority giving governors more say in rulemaking approved under Walker.

Under Evers, administrative rules could be used to address problems that Democrats and conservation groups say need more attention: Runoff pollution that degrades lakes and streams; irrigation and manure spreading practices on farms that have lowered water levels or polluted waterways; and growing evidence of industrial chemical pollutants in groundwater.

Lawmakers, however, still have the authority to review all such rules — and their oversight powers have been strengthened in recent years.

“Obviously, there is going to be a new regime at DNR — and a totally different worldview — but I am not 100 percent sure how much they will be able to accomplish,” said Rep. Adam Jarchow, an outgoing Republican from Balsam Lake.

“We’ve locked in some of those reforms that will be able to survive an Evers administration.”

Jarchow said Republicans are determined not to see their reforms unravel. He pointed to a flourishing sand mining industry and more lakeshore development as a result of policies under GOP control.

“The evidence speaks for itself,” he said. “If you go to rural parts of the state and see what’s going on in our economy, a huge part of that has been the environmental policy that Walker and the Legislature have pursued.”

Fitzgerald said he has no plans to take away the power of the governor to name the DNR secretary and turn it over to a seven-member citizens board. Vos’ office did not respond to a request to comment.

The terms of two current DNR board members expire in May, and Evers could nominate two more seats — a majority — in 2021, unless Republicans consider changing the length of those terms in the coming weeks.

In 2010, Gov. Jim Doyle, a Democrat, vetoed a bill that would have eliminated the authority of future governors to name the secretary of the DNR, which existed from 1967 to 1995.

Conservation groups have long supported a board-appointed DNR secretary to insulate the agency, to some degree, from political influence. But they question why it would come up now.

“I am certainly concerned about anything that would just be done as a power grab and some of the comments (from Vos and Fitzgerald) sure sounded like that,” said Amber Meyer Smith, a lobbyist with Clean Wisconsin.

Some names under speculation for DNR secretary include:

Todd Ambs, a former DNR official in the Doyle administration and now affiliated with a Great Lakes group; Paul DeLong, a former chief forester at the DNR and now at the American Forestry Foundation; Preston Cole, a DNR board member (first appointed by Doyle and again by Walker) who is commissioner of Milwaukee’s Department of Neighborhood Services; and two former members of the Assembly — Spencer Black and Fred Clark.

Black, a Madison Democrat who advised the Evers campaign, said he is not interested in the post.

While the GOP-controlled Legislature will be a formidable check on Evers, “the governor has quite a bit of power in Wisconsin,” Black said. “He’ll be able to control the Department of Natural Resources and he has the most powerful veto pen in the nation.”

Former Natural Resources Secretary George Meyer said Evers can use his office to raise attention to issues seen as currently getting short shrift, including private well contamination, more oversight of the Foxconn project in Mount Pleasant and climate change.

Meyer is executive director of the Wisconsin Wildlife Federation and served as DNR secretary from 1993 to 2001.

Under former Secretary Cathy Stepp, the agency scrubbed wording from its website about the role humans play in climate change.

"I think it will be really refreshing to be talking to a governor who believes in science, who believes climate change is real and should be addressed and believes that every Wisconsin citizen should have clean drinking water," said Meyer Smith of Clean Wisconsin.

Under current law, Evers can hire the top three officials in the agency, five division heads, the chief legal counsel, chief spokesman and the agency's liaison with the Legislature.

"A lot of things can happen at the agency level," Meyer said. He gave as examples greater emphasis on science, including adding back more science positions cut by Walker; and removing restrictions on staff to speak to the public and the media.

"Just having new people in will make a big difference — that's by far the most powerful factor — controlling the mechanics of the agency," Meyer said.

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